

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WEB COPY

**Crl.O.P.(MD) No.11815 of 2017 and
Crl.M.P(MD) .Nos.8130 and 8131 of 2017**

1.Mohammodu Alli
2.Syedhu Abuthakeer

... Petitioners / Accused Nos.2 and 3

-Vs-

1. State rep. by
The Inspector of Police,
District Crime Branch,
Madurai District.

2. Deivendran

... Respondents /Complainant
on Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the petitioners in the final report in C.C.No.1 of 2014 on the file of the Special Court for the Exclusive Trial land Grabbing Cases, Madurai, in Crime No.41 of 2011 on the file of the respondent police and quash the same as illegal.

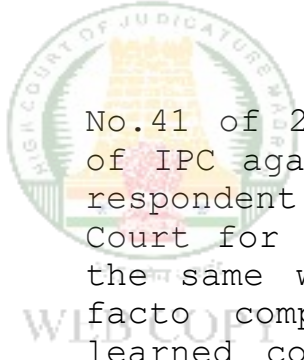
For Petitioner	: Mr.R. Udhayakumar
For R-1	: Mr.K.Anbarasan, Government Advocate (Crl.side).
For R-2	: Mr.J.Kumar

O R D E R

This Criminal Original petition is filed to call for the records relating to the petitioners in the final report in C.C.No.1 of 2014 on the file of the Special Court for the Exclusive Trial land Grabbing Cases, Madurai, in Crime No.41 of 2011 on the file of the respondent police and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the respondent and the learned counsel appearing for the second respondent.

3. The petitioners are the accused nos. 2 and 3 in Crime No.41 of 2011 on the file of the respondent police. On the basis of the complaint lodged by the second respondent and one Boomi Raja, a case was registered by the first respondent police in Crime



No.41 of 201 for the offences under Sections 468,471,409 and 420 of IPC against the petitioners and another. Thereafter, the first respondent police has filed a charge sheet before the Special Court for the Exclusive Trial of Land Grabbing Cases, Madurai and the same was taken on file in C.C.No.1 of 2014. One of the de facto complainant viz., Boomiraj died on 28.05.2014 and the learned counsel appearing for the petitioners has also produced the xerox copy of the death certificate and this fact is not disputed.

4. It appears that parties viz., petitioners and the second respondent / de facto complainant have settled their dispute amicably out of Court, at the instigation of the elders and well wishers and they have also entered into a compromise. A joint compromise memo dated 06.09.2017 signed by the parties concerned in the presence of their respective counsels is produced before this Court.

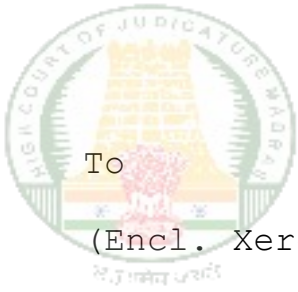
5. As per the joint compromise memo, the parties viz., the petitioners and the second respondent have appeared before this Court today and stated in unequivocal terms that the Joint Compromise Memo was signed by them on their own will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Government Advocate(Criminal side) through the first respondent police.

6. As per the terms of the joint compromise memo, the second respondent / de facto complainant has agreed not to proceed with the case further and he has no objection for quashing the proceedings in C.C.No.1 of 2014 on the file of the Special Court for the Exclusive Trial land Grabbing Cases, Madurai.

7. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the proceedings pending in C.C.No.1 of 2014 on the file of the Special Court for the Exclusive Trial land Grabbing Cases, Madurai, is quashed in so far as the petitioners concerned. The Joint Compromise Memo signed by the parties shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(P & A)

/True Copy/



To

(Encl. Xerox copy of the Joint Compromise memo)

1. The Special Judge,
Special Court for the Exclusive Trial of land Grabbing Cases,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. R.UDHAYAKUMAR, Advocate, SR.No.77135.

Crl.O.P.(MD) No.11815 of 2017 and
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07.09.2017

trp

SDS/SKN:RSK/SAR 1/25.09.2017/3P/5C